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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,858	10/23/2003	Robert Stephen Cooke	2775/104	6733
2101	7590	05/25/2006		
BROMBERG & SUNSTEIN LLP 125 SUMMER STREET BOSTON, MA 02110-1618			EXAMINER CONLEY, FREDRICK C	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,858

Applicant(s)

COOKE, ROBERT STEPHEN

Examiner

FREDRICK C. CONLEY

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4 and 6-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4 and 6-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

((e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4, and 6-12 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,408,464 to Weismiller et al.

Claim 1, Weismiller discloses a patient table comprising a patient table main section 30 and a patient table end section 40 removably attachable to the main section, each section including at least two engagement sites defined by each longitudinal side for mutual inter-engagement are provided on each section, with the engagement sites of each section being spaced along the length thereof, the first engagement site 74 closest the end of the respective section end section being adapted to engage on an upper surface 84 of a second engagement site 80, and the second engagement site 80 more distant from the end being adapted to engage on a lower surface 74 of the first engagement site 70, in which the second engagement site of each part is an upstanding ledge defined by the upper surface 84 beneath which the first engagement site 74 of the other parts can locate (fig.4).

Claim 2, in which the end section is one selected from a plurality of such sections, the plurality including sections with different shapes (fig. 3-4,9-10, 11-12).

Claim 4, in which the engagement sites are arranged with a central engagement site 38 and two pairs of lateral engagement sites (70,80) proximate the edges of the table.

Claim 6, in which the ledge is defined by an underlying recess 96.

Claim 7, in which the recess is formed with a surface 152 which angles upwardly away from the edge of the ledge.

Claim 8, in which the ledge is defined by one face of a protruding pin 152.

Claim 9, in which the first engagement sites are formed as surfaces 72 upon which the second engagement sites 82 can rest.

Claim 10, in which the first engagement sites are provided with a profile 162 adapted to retain engagement.

Claim 11, in which the profile is a rounded recess for accepting a pin.

Claim 12, in which the profile is a surface that slopes downwardly away from an edge thereof so as to be retained in a corresponding recess.

Response to Arguments

Applicant's arguments filed 3/16/06 have been fully considered but they are not persuasive.

Contrary to the Applicant's arguments, Weismiller clearly discloses a raised projecting ledge. Weismiller explicitly states element 84 as an "upwardly facing surface" of a guide track and is clearly shown in figures (2-4). Therefore, element 84 meets the Applicant's claimed structural limitations since the upwardly facing guide surface laterally projects from the side of the attachment mechanism 68.

With respect to claims 6-7, the Applicant merely recites "and underlying recess". The opening/recess 96 of Weismiller clearly lies within in the upwardly facing surface portion/ledge 84 and underlies the engagement site 70 and the triangular portion 152 defines a surface that angles upwardly away from the ledge (fig. 3). Therefore, opening/recess 96 defines an underlying recess to the engagement site 70 and the triangular portion 152 that lies within the recess between the inner edges of the ledge defines a surface which angles upwardly away from the inner edge on the left side of the recess. The Applicant has relied on broad structural language that fails to clearly distinguish the present invention over the prior art of record and does not preclude the Examiner from making the interpretation as stated above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FREDRICK C. CONLEY whose telephone number is 571-272-7040. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PATRICIA L. ENGLE can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FC 


Suzanne Dino Barrett
Primary Examiner